

374  
BILL NO. Z-88-11-09

ZONING MAP ORDINANCE NO. Z-Losh

AN ORDINANCE amending the City of  
Fort Wayne Zoning Map No. K-10.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is  
hereby designated a B-3-B (General Business) District under  
the terms of Chapter 33 of the Code of the City of Fort  
Wayne, Indiana of 1974:

Lots 1, 2, and 3 in Francis Beck's Subdivision of Lot 9  
of Ewing's Out Lots in Section 3, Township 30 North,  
Range 12 East, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. K-  
10, as established by Section 11 of Chapter 33 of the Code  
of the City of Fort Wayne, Indiana are hereby changed  
accordingly.

SECTION 2. That this Ordinance shall be in full force  
and effect from and after its passage and approval by the  
Mayor.

Janet G. Bradbury  
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay  
J. TIMOTHY MCCAULAY, CITY ATTORNEY



DATE: 11-22-88

[illegible]

DATE: 12-27-88

~~ATTEST:~~

~~SEAL~~

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_,  
at the hour of \_\_\_\_\_ o'clock .M., E.S.T.

SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.S.T.

PAUL HELMKE, MAYOR

RECEIPT

No 2829

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 10/18 1988

RECEIVED FROM

Frank's T.V. Inc. \$ 100.00

THE SUM OF

100 DOLLARS

ON ACCOUNT OF

1524 1538 1536 St. Marys Ave  
Wayne, MI 48106

AUTHORIZED SIGNATURE



RECEIPT NO. \_\_\_\_\_

THIS IS TO BE FILED IN DUPLICATE

DATE FILED \_\_\_\_\_

INTENDED USE \_\_\_\_\_

I/We Rarick's, Inc.

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an B-1 B District to a/an B 3B District the property described as follows:

Lots 1,2, and 3 in Francis Beck's subdivision of lot 9 of Ewing's

Out Lots in section 3, township 30 north, range 12 East, Allen County

Indiana.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

1524, 1528, 1536 St Marys Avenue

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

John E. Rarick

Mary E. Rarick

(Name)

P.O. 187 CAMERON Ws 54822

11905 Vance Ave

(Address)

John E. Rarick

Mary E. Rarick

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by \_\_\_\_\_

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

Billy G. Mullins

(Name)

1536 St. Marys

(Address & Zip Code)

46808

426-0637

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lots 1, 2, and 3 in Francis Beck's subdivision of lot 9 of Ewings  
Outlots in section 3 Township 30 North, Range 12 East, Allen County  
Indiana.

Owners of Property

John E. Rarick  
Mary E. Rarick

P.O. BOX 189 CAMERON WS 54832  
1905 Vance Ave

John E. Rarick  
Mary E. Rarick

(Name) (Address) (Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE  
This form is to be filed in duplicate.

NOTICE:  
FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST  
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.  
  
FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING  
FROM BEING HELD.



RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on November 22, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-88-11-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on November 21, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

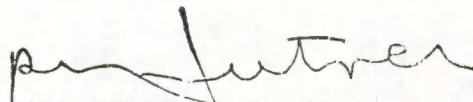
(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held November 28, 1988.

Certified and signed this  
29th day of November 1988.



Robert Hutner  
Secretary

#374

ORIGINAL

ORIGINAL

**DIGEST SHEET**

2-88-11-09

**TITLE OF ORDINANCE** Zoning Ordinance Amendment

**DEPARTMENT REQUESTING ORDINANCE** Land Use Management - CD&P

**SYNOPSIS OF ORDINANCE** 1524, 1528 & 1536 St Marys Av

**EFFECT OF PASSAGE** Property is presently zoned B-1-B - Limited Business District.

Property will become B-3-B - General Business District.

**EFFECT OF NON-PASSAGE** Property will remain B-1-B- Limited Business District.

**MONEY INVOLVED (Direct Costs, Expenditures, Savings)** \_\_\_\_\_

**(ASSIGN TO COMMITTEE (J.N.))** \_\_\_\_\_



**FACT SHEET**

Z-88-11-09

BILL NUMBER

**Division of Community  
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

**APPROVAL DEADLINE****REASON**

From B-1-B to B-3-B

**DETAILS****Specific Location and/or Address**

1524, 1528 &amp; 1536 St Marys Av

**Reason for Project**

Used Car Sales

**Discussion (Including relationship to other Council actions)**21 November 1988 - Public Hearing

Joe McGibbon, representing the petitioner, stated that they were requesting the rezoning in order to obtain an auto dealership license so they can run a "buy here - pay here" auto service in conjunction with their current rent to own furniture and appliance business at this location. He stated that at the most they will probably have 5 to 10 cars on the lot at any time. He stated they do not intend to change any of the existing business. He stated that to deny the request would put a hardship on the business in as much as the TV sales are not enough to sustain this business. He stated that the owner Mr. Mullins would consider some type of a restrictive covenant to run with the land which would limit him to having only 5 to 10 cars on the property at one time.

Wil Smith questioned if they had discussed this request with the neighborhood.

Mr. Mullins stated that he had not.

**POSITIONS****RECOMMENDATIONS****Sponsor**

City Plan Commission

**Area Affected**

City Wide

Other Areas

**Applicants/  
Proponents****Applicant(s)**Rarick's Inc/Billy Mullins  
City Department

Other

**Opponents****Groups or Individuals**Richard Borton, VP Hamilton  
Park Neighborhood Assn**Basis of Opposition**-would conflict with the  
stabilizing of the residen-  
tial character of area**Staff  
Recommendation**☐ For ☒ Against**Reason Against**-approval would be contrary  
to the Comprehensive Plan**Board or  
Commission  
Recommendation**

By

☐ For ☒ Against  
☐ No Action Taken☐ For with revisions to conditions  
(See Details column for conditions)**CITY COUNCIL  
ACTIONS  
(For Council  
use only)**☐ Pass ☐ Other☐ Pass (as  
amended) ☐ Hold☐ Council Sub. ☐ Do not pass



# DETAILS

Richard Borton, 905 Third St, VP of the Hamilton Park Neighborhood Association appeared before the Commission. He stated he had been directed by the Association to speak in opposition to the request. He stated that the association feels it is important to stabilize the residential character of the area and felt this request would be in direct conflict with that goal. He questioned if the request were approved if this business would have the required parking for both uses.

Mr. McGibbon stated that they have no problem with parking on this site. He stated that this is a neighborhood business which services the area and is a convenience to the area residents.

Sandra Borton, 905 Third Street, appeared in opposition to the request. She stated she felt there was no need for further business expansion in this area.

Mr. McGibbon stated that they feel it would be better for the neighborhood to have a viable business on this property rather than a vacant building.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

28 November 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation. Motion carried.

## POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Of the seven (7) members present six (6) voted in favor of the motion one (1) did not vote.

**Project Start**

**Date** 17 October 1988

**Projected Completion or Occupancy**

**Date** 30 November 1988

**Fact Sheet Prepared by**  
Patricia Biancaniello

**Date** 30 November 1988

**Reviewed by**

**Date** Dec. 6, 1988

**Reference or Case Number**

BILL NO. Z-88-11-09

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City  
of Fort Wayne Zoning Map No. K-10

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(ORDINANCE) (~~RESOLUTION~~) Do Not Pass

YES

NO

*Janet G. Bradbury*  
*Mark E. GiaQuinta*

JANET G. BRADBURY  
CHAIRPERSON  
MARK E. GIAQUINTA  
VICE CHAIRMAN  
CHARLES B. REDD

*David C. Long*  
*Paul M. Burns*

DAVID C. LONG  
PAUL M. BURNS

CONCURRED IN 12-27-88

*Sandra E. Kennedy*  
Sandra E. Kennedy  
City Clerk

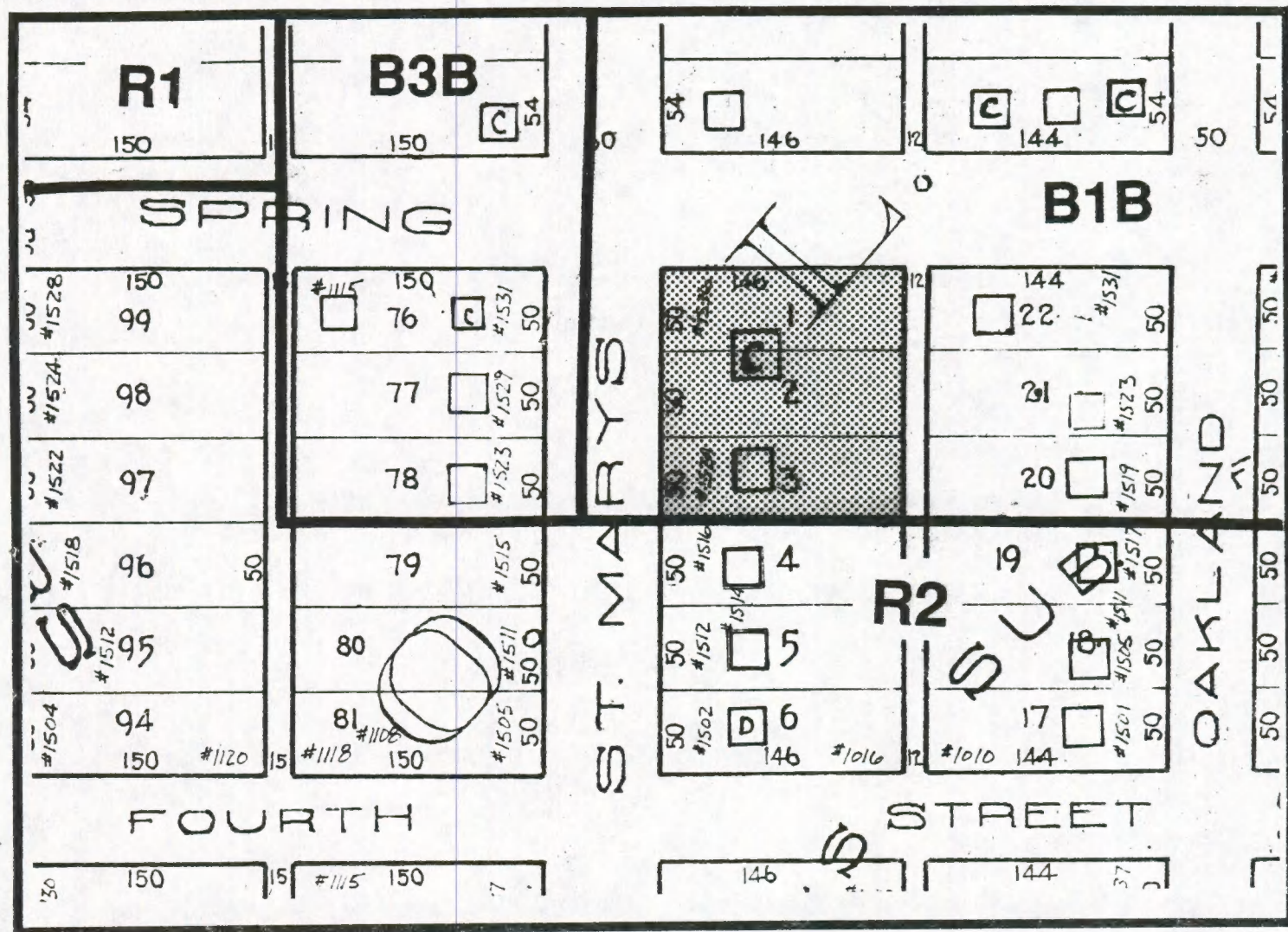


# REZONING PETITION #374

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A B1B DISTRICT TO A B3B DISTRICT.

MAP NO. K-10

COUNCILMANIC DISTRICT NO. 3



## ZONING:

- R1 RESIDENTIAL DISTRICT
- R2 RESIDENTIAL DISTRICT
- B1B LIMITED BUSINESS "B"
- B3B GENERAL BUSINESS "B"

## LAND USE:

- ☐ SINGLE FAMILY
- ☐ COMMERCIAL
- ☐ DUPLEX

SCALE: 1"=100'

DATE: 10-26-88